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ORIGINAL

CLARENCE D. Brown,
Plaintiff

ALESON Taylor in her official
and individual capacity as
Executive Director, Office of
Violent Sex Offender Management,
Defendant,

1100 W. 49th St.
Austin, Texas 78756

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
FILED	
OCT - 1 2012	
CLERK, U.S. DISTRICT COURT	By _____ Deputy

4-12CV-698-A

CIV. ACT. NO.

Dawn Lemon in her official
and individual capacity as
Program Specialist/Case Manager
Office of Violent Sex Offender
Management,

Defendant,

1100 49th St.
Austin, Texas 78756

Brian Laster, in his official
and individual capacity as
President, Austin Correctional
Facilities, Incorporated,

Defendant

13401 Pecanway Drive
Oklahoma City, Oklahoma, 73114

GREG BASHAM, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITY AS
FACILITY ADMINISTRATOR,
WALON CORRECTIONAL SERVICES,
INCORPORATED,

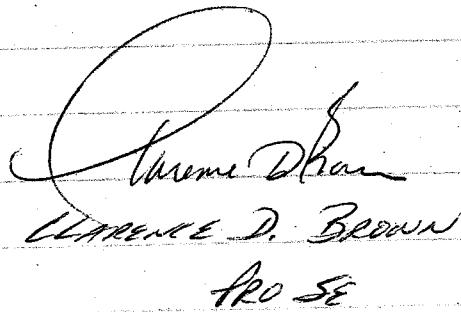
Defendant,

6000 Henderson St.
Ft. Worth, Texas 76103

CARLOS MORELES, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITY AS
FACILITY ADMINISTRATOR
WALON CORRECTIONAL SERVICES
INCORPORATED,

Defendant,

1700 N. Horizon Blvd.
El Paso, Texas 79928


Clarence D. Brown
Pro Se

Pursuant to the United States Constitution and Title 42 U.S.C. § 1983, Plaintiff files this his original complaint ALLEGING CIVIL RIGHTS VIOLATIONS AND STATE CLAIMS Plaintiff SEEK EQUITABLE MONETARY, INJUNCTIVE AND DECLARATORY RELIEF AVAILABLE THROUGH § 1983.

JURISDICTION AND VENUE

2. JURISDICTION IS CONFERRED UPON THIS COURT BY 28 U.S.C. § 1331 WHICH AUTHORIZES FEDERAL COURTS TO DECIDE CASES CONCERNING FEDERAL QUESTIONS, AND BY 28 U.S.C. § 1333 WHICH AUTHORIZES FEDERAL COURTS TO HEAR ACTIONS BROUGHT UNDER 42 U.S.C. § 1983 (HEREAFTER § 1983). Plaintiff SEEKS DECLARATORY AND INJUNCTIVE RELIEF PURSUANT TO 28 U.S.C. §§ 8, 2201, 2203, 2283, AND 2284.

3. THE PRINCIPLES OF PENDANT OR SUPPLEMENTAL JURISDICTION ARE ENGAGED PURSUANT TO 28 U.S.C. § 1337. THIS ACTION CONTAINS FACTS AND STATE LAW CLAIMS THAT ARE SO RELATED TO OTHER CLAIMS IN THIS ACTION THAT THEY FORM PART OF AND BECOME CONSTITUTENT INGREDIENTS EMBEDDED IN THE SAME CASE OR CONTROVERSY FOR ARTICLE III PURPOSES.

4. VENUE IS APPROPRIATE IN THIS COURT PURSUANT TO 28 U.S.C. § 1339(b)(2). VENUE IS PROPER IN THIS COURT BECAUSE THESE DEFENDANTS ARE TEXAS RESIDENTS, AT LEAST ONE OF WHOM RESIDES IN THE NORTHERN DISTRICT. THESE DEFENDANTS ARE OFFICERS, OR EMPLOYEES OF THE STATE OF TEXAS, ACTING IN THEIR OFFICIAL CAPACITIES AND UNDER COLOR OF STATE AUTHORITY. THE ^{BUSINESS} ~~BUSINESS~~ OF THESE DEFENDANTS IS CONDUCTED IN THE STATE OF TEXAS, INCLUDING THE NORTHERN DISTRICT.

5. Venue is appropriate in this court concerning defendant Brian Lovelace, President, AVALON CORRECTIONAL SERVICES, under DIVERSITY JURISDICTION, where defendant resides in Oklahoma City, Oklahoma and Plaintiff is a resident of the state of Texas. Plaintiff contends that the "matter in controversy" is greater than \$ 75,000 for an individual Plaintiff.

PARTIES

6. Plaintiff Clarence D. Brown (hereafter "Plaintiff") is currently confined in the Tarrant County Jail, Ft. Worth, Texas and is currently committed as a Secured Violent Predator under the Texas Department Civil Commitment Statute. Texas Health and Safety Code chapter 841. Prior to being arrested and confined in the Tarrant County Jail, Plaintiff resided at the Ft. Worth Penitentiary Center from March 8, 2012 through March 9, 2013. The facility is a secured residential facility under contract with the Texas Department of Criminal Justice (hereafter "TDCJ"). Prior to being transferred to Ft. Worth, Plaintiff resided at Multi-use Facility, El Paso, Texas from October 25, 2011 through March 8, 2012. The facility is a secured residential facility under contract with TDCJ. Both facilities are operated and owned by AVALON CORRECTIONAL SERVICES, INCORPORATED.

7. Defendant Allison Taylor (hereafter "Defendant Taylor") is the Executive Director for Office of Violent Sex Offender Management (hereafter "OVSOM"). Defendant Taylor is responsible for the daily administration and operation of the Outpatient Sexually

Violent Predator Treatment Program. Policy and procedure for the Outpatient Security Violent Predator Treatment Program, ADMINISTRATIVE DIRECTIVE 1.5, 1.6, ("hereafter Admin Dir.") SEE Appendix, Exhibit "A" ADMINISTRATIVE DIRECTIVES SPECIFIED HEREIN. Defendant Taylor is being sued in her official and individual capacities. Defendant Taylor is being sued in her official capacity AS AN AGENT OF THE STATE OF TEXAS.

8. Brian Costello (hereafter "Defendant Costello") is President of AVMON CORRECTIONAL SERVICES, INCORPORATED WHERE Plaintiff was housed and subjected to unconstitutional conditions of confinement and retaliated against for exercising his federal constitutional right to grieve and seek remedy by way of filing LAMSIER. Defendant Costello is being sued in his official and individual capacity.

9. Greg Busham (hereafter "Defendant Busham") is the Facility Administrator of the Fort Worth Transition Center and he is responsible for the day-to-day operations of the facility. Defendant Busham is being sued in his official and individual capacity.

10. Carlos Morales (hereafter "Defendant Morales") is the Facility Administrator of the Multi-Use Facility for El Paso, Texas and he is responsible for the day-to-day operations of the facility. Defendant Morales is being sued in his official and individual capacity.

11. Dennis Lemon (hereafter "Defendant Lemon") is a program

SPECIALIST/CASE MANAGER hereafter ("CASE MANAGER") WITH THE OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT (OVSOM) AND IS ACCOUNTABLE TO AND REPORTS TO DEFENDANT TAYLOR. ADMEN. DFR. 7.8. DEFENDANT LEMONS OVERSEES TREATMENT AND SUPERVISION. DEFENDANT LEMONS IS RESPONSIBLE FOR THE DAY-TO-DAY OVERSIGHT OF COMMITMENT CLIENTS; ENFORCES CLIENTS' SUPERVISION REQUIREMENTS AND MONITOR CLIENTS VIA GLOBAL POSITIONING SATELLITE (GPS) MONITORING. ADMEN. DFR. 7.4, 7.8. DEFENDANT LEMONS IS BEING SUED IN HER OFFICE AND ENDOWMENT COMPANY AS AN AGENT OF THE STATE OF TEXAS.

PRIVACY STATEMENT

12. THE CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS IN TEXAS IS UNIQUE, IN THAT ODS THE ONLY "OUTPATIENT" CIVIL COMMITMENT PROGRAM IN THE UNITED STATES, AND DOES NOT IMPLY CONFINEMENT, PER SE. CIVIL COMMITMENT CLIENTS ARE HOUSED IN SEVERAL SECURED COMMUNITY RESIDENTIAL FACILITIES ACROSS TEXAS. PLAINTIFF CHALLENGES THE NATURE AND CONDITIONS OF CONFINEMENT AND THE MANNER OF IMPLEMENTATION OF THE OUTPATIENT CIVIL COMMITMENT PROGRAM UNDER TEXAS HEALTH AND SAFETY CODE CHAPTER 841. PLAINTIFF AND OTHER CIVIL COMMITMENT CLIENTS HAVE STATUTORY CREATED LIBERTY INTERESTS AS "OUTPATIENTS," AS WELL AS SUBSTANTIVE DUE PROCESS AND OTHER RIGHTS UNDER THE UNITED STATES CONSTITUTION. PLAINTIFF ALLEGES CLAIMS AGAINST THE DEFENDANTS UNDER THE STATUTORY PREMISE THAT CIVIL COMMITMENT CLIENTS ARE "OUTPATIENTS" (HEREINAFTER "CLIENTS").

13. OVSOM IMPOSES AND ENFORCES RULES AND LIVING CONDITIONS THAT SUBSTANTIALLY RESTRICT ALL OF PLAINTIFF'S AND OTHER CLIENTS' LIBERTY INTEREST AND SUBJECT THEM TO PUNISHMENT UNDER THE AUSPICES OF THE CIVIL COMMITMENT STATUTES. OVSOM DEPRIVES PLAINTIFF AND OTHER CLIENTS OF THEIR CIVIL RIGHTS WITHOUT DUE PROCESS OF LAW, VIOLATE EQUAL PROTECTION, PRIVACY, SPEECH, EX POST FACTO, AND RELIGIOUS CONFERENCES. THE ABOVE ACTION DOES NOT CONPRT TO THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION WHERE THOSE INVOLUNTARILY CIVILLY COMMITTED ARE CONCERNED. PLAINTIFF SEEKS REDRESS AND VENDETTION OF THESE RIGHTS, AS WELL AS JUDICIAL IMPLEMENTATION OF PROTECTIONS TO SAFEGUARD THESE RIGHTS IN THE FUTURE.

FATS SPECIFIC TO PLAINTIFF

14. ON NOVEMBER 2, 2010, THE 435TH DISTRICT COURT OF MONTGOMERY COUNTY, TEXAS ISSUED AN ORDER OF COMMITMENT AND FINAL JUDGMENT IN CAUSE #10-03-02609-LV INDICATING PLAINTIFF TO BE A SEXUALLY VIOLENT PREDATOR THAT REQUIRED OUTPATIENT TREATMENT AND SUPERVISION UPON BEING RELEASED FROM A SECURED CORRECTIONAL FACILITY.

15. PLAINTIFF WAS CONVICTED AND SENTENCED TO FIFTEEN YEARS JANUARY 13, 1998, IN THE 72ND DISTRICT COURT OF LUBBOCK COUNTY, TEXAS IN CAUSE NUMBERS 96-422, 093 AND 97-425, 192 FOR THE OFFENSE OF SEXUAL ASSAULT. PLAINTIFF'S SENTENCE BEGIN DATE WAS OCTOBER 26, 1996 AND CEASED ON OCTOBER 25, 2011.

16. Plaintiff was released from prison October 25, 2011 and placed into the custody of the Office of Violent Sex Offender Management to start the OUTPATIENT SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM.

17. Plaintiff was transported/escorted to El Paso County, Texas to be confined at the MULTI-USE FACILITY-AZMOM CORRECTIONAL SERVICES, INCORPORATED. This Facility operates under contract with TDCJ.

18. This Facility houses Prisoners/Parolees as well as Civil commitment clients. Plaintiff and other clients are forced to live amongst Prisoners/Parolees and ordered to be passive. The rules are inherited from and monitored by TDCJ.

19. Plaintiff while in El Paso brought about several complaints for himself and other clients by way of grievance or through correspondence concerning confiscation of property without due process, EXCESSIVE SEARCH and SEIZURE, MEDICAL, food nutrition, SQUALID LIVING CONDITIONS, EXPOSURE TO HUMAN FECES, LACK OF PRIVACY, HARASSMENT from staff members and prisoners/parolees and AN INADEQUATE GRIEVANCE PROCEDURE.

20. On November 15, 2011, Plaintiff contacted Nancy Bunnin, Attorney for STATE COUNSEL FOR OFFENDERS by letter, informing her of problems that existed at the EL PASO FACILITY.

21. In January 2012, Nancy Bunnin and Barbara Laney began to

Intervene on behalf of clients concerning the numerous amount of complaints at the facility and against program specialist/case manager DIANNA LEMON. During this time frame when Plaintiff and other clients were contacted by STATE COUNSEL FOR OFFENDER ATTORNEYS, we were denied attorney-client confidentiality by AVALON STAFF on numerous occasions.

22. In February 2012, Plaintiff and other clients were moved from one area to another where we were without adequate electrical outlets. Plaintiff as well as another client, John Q. Warren contacted AVALON's Home Corporate office in Oklahoma City, to make them aware that we were without electricity. We lived within this condition for about 10 days. As a result of this the retaliation became worse by AVALON employees. Plaintiff's legal material had been rifled through and a document sent from STATE COUNSEL FOR OFFENDERS concerning lawsuit under 1983 had been gone through as well.

23. February 13, 2012, Plaintiff sent a letter to AVALON's Home office in Oklahoma City, implementing a lawsuit against the Facility in El Paso for violating the conditions of Plaintiff's and other clients' conditions of confinement. Exhibit "C"

24. February 15, 2012, Plaintiff spoke with case manager DIANNA LEMON and she made it clear that Plaintiff and other clients had signed an agreement to follow AVALON rules and that it meant grievance procedures as well. Plaintiff informed case manager that according to Prison Litigation Reform Act 1996 (PLRA) that he and other clients

WERE NOT REQUIRED TO FOLLOW AN INSTITUTIONAL GRIEVANCE PROCEDURE. CASE MANAGER WAS AWARE THAT ANYMORE GRIEVANCES OR COMPLAINTS FILED TO OKLAHOMA CITY AND FOUND TO BE FRAUDULENT WOULD RESULT IN VIOLATIONS BEING ISSUED.

25. February 22, 2012, Plaintiff was called out to speak with a Mr. Patrick Sullivan who was handling complaint sent to Oklahoma City on February 13, 2012. Mr. Sullivan within a few minutes spoke concluded that all issues raised within the February 13, 2012, complaint was frivolous. He then made it clear to Plaintiff that he would not be at the El Paso facility much longer. Also during this meeting Plaintiff was made aware that Mr. Donald Smith was no longer the President and that the new President of prison was Brian Costello.

26. March 5, 2012, Plaintiff wrote a letter to Mr. Costello and enclosed within it the letter dated February 13, 2012 that was sent to Mr. Smith. This letter also had accusations of being a VENDETTA AGAINST PRISONERS.

27. March 5, 2012, Plaintiff wrote a letter to Mr. Bunn informing her that the retaliation had gotten worse and of the threats made by CASE MANAGER.

28. On March 7, 2012, Plaintiff was officially informed by TREATMENT PROVIDER NORMA REED that he was being transferred from El Paso to Ft. Worth, Texas.

29. March 8, 2012, Plaintiff and another client, NATHAN HOLLOW was transported by STATE POLICE from EL PASO to FT. WORTH under guard. Clients were escorted separately at rest stops.
30. Prior to leaving EL PASO Plaintiff had no written or verbal violations from ONSOM or FROM AVALON CORRECTIONAL SERVICES.
31. March 8, 2012, Plaintiff arrived at the FT. WORTH TRANSITIONAL CENTER where he was met by CASE MANAGER CLEM WASHINGTON. Thereafter Mr. Washington went over paperwork for OUTPATIENT TREATMENT PROGRAM.
32. Plaintiff was assigned to a room that housed SIX people. The room was roughly 16x16, which is far less than the forty (40) square feet per person Constitutionally REQUIRED for INMATES IN PRISON. Plaintiff was without anywhere in which to store his property. NO DRESSER, LOCKER, OR CLOSET. THE ROOM IS UNSECURED AT ALL TIMES AND PROPERTY IS SUBJECT TO VANDALISM AND THEFT. Due to property not being properly stored, Plaintiff's property is SUBJECT TO CONFISCATION by AVALON STAFF.
33. March 9, 2012, Plaintiff was summoned to see Ms. GARCIA and she INITIATED IN PROCESSING by taking PICTURE FOR I.D. AND SIGNATURE of other paperwork. At no time did Ms. Garcia GO OVER THE INTAKE PACKAGE RULES. She informed Plaintiff that on Monday ORIENTATION would BE COMPLETED.

34. Plaintiff returned to loving area to go over intake package with security. shortly thereafter, Security asked Plaintiff for intake package. Security went through intake package and told Plaintiff that he had to sign his signature to all of the rules whether Plaintiff agreed or disagreed.
35. Plaintiff attempted to explain to Security that he needed better classification of rules prior to affixing his signature to intake package.
36. Security contacted Assistant Administration Serrano concerning the matter and Plaintiff sought classification of some of the rules at that time as well, but to no avail.
37. Mr. Serrano contacted case manager from Washington by telephone and explained to him the situation. Plaintiff then spoke to case manager and case manager effectively told Plaintiff to hold on, that he would be there shortly to go over rules.
38. Plaintiff was informed by Mr. Serrano per Mr. Brasham, that Plaintiff could not wait for case manager's arrival and had to sign right then and there.
39. Plaintiff insisted on waiting for case manager before affixing signature to intake package due to mutual security and administration refusing to classify rules.

40. Plaintiff went home packing out against his own AT
SU PPSO concerning the same rules Plaintiff sought
Classification of in Ft. Worth.
41. Mr. Serrano conveyed this information to Mr. Basham
over the phone. Mr. Serrano then ordered someone to
contact a Messy Adams.
42. Case Manager arrested shortly thereafter and told Plaintiff
that Mr. Basham had called Austin and rejected Plaintiff
from his freeway and that it was out of his hands.
43. Plaintiff states that at no time did he refuse to
complete intake package with signature. Plaintiff
simply sought Classification of halfway house/prison rules
as to how they applied to Plaintiff and other clients
that had discharged prison sentence, prior to Agency's
signature.
44. Plaintiff returned to Mr. Serrano's office about an hour
later and was presented three large trash bags. Mr. Serrano
at that time informed Plaintiff that he would more than
likely be arrested and should use bags to pack property.
45. Plaintiff returned to living area to pack property so
that it would not be subjected to theft.
46. Shortly thereafter, Mr. Basham entered Plaintiff's room

and began yelling and screaming that he would not tolerate Plaintiff causing problems at his facility like he did in El Paso. That he had been contacted by people in El Paso that said Plaintiff would be a problem, and that he would not tolerate Plaintiff causing Oklahoma City under no circumstances.

47. March 9, 2012, Plaintiff was arrested pursuant to warrant number 25625 by the Department of Public Safety, which defendant taxpayer approved. Plaintiff was confined at the Tarrant County Jail for violating conditions of civil commitment requirement.

48. April 25, 2012, Plaintiff was indicted in state's cause 1274825 for violating conditions of civil commitment requirement by failing to complete intake package with signature as required by a course of treatment and failing to obey direct order from halfway house to complete intake package with signature.

49. This penalty is of the third degree and carries a punishment of two (2) to ten (10) years in prison and can be enhanced to two to twenty (20) years in prison.

50. Plaintiff is being retaliated against by OISD and AHSW CORRECTIONAL SERVICES INCORPORATED for filing complaints, grievances, and court proceedings for

and other clients. Plaintiff has done nothing more than exercised his First and Fourteenth Amendment rights to freedom of speech and seek constitutional correction concerning the conditions of confinement for Plaintiff and other clients.

CONDITIONS OF CONFINEMENT

51. The various facilities in El Paso and Ft. Worth, Texas are secured residential facilities that houses TDCJ prisoners/practices as a condition of release on parole or mandatory supervision to serve a period in a "Community Residential Facility."
52. The Parole and Probation division confines some mandatory supervisees (and practices) in halfway houses as a component of terms' overall scheme of imprisonment and reforming felons and then reintegrating them into society. MAXIMUM TERM of a mandatory supervisee/practice's confinement in a halfway house/secured residential facility is the amount of time remaining on the sentence for his criminal violation.
53. The various facilities within both locations are subject to TDCJ's rules, policies and procedures.

1. Jackson v Johnson, 475 F.3d 261, 267 (5th Cir. 2007)

54. Parole and Mandatory Supervision releases are housed at these type of Residential facilities as a result of their criminal convictions are prisoners.²

55. The EL PASO FACILITY IS SURROUNDED BY FENCE WIRE, EQUIPPED WITH SURVEILLANCE CAMERAS INSIDE AND OUTSIDE FACILITY, SECURE INGRESS AND EXGRESS, CONDUCTS DAILY RANDOM SEARCHES OF FACILITY RESIDENTS AND THEIR PROPERTY, INCLUDING CLOSETS, CONDUCTS SEVERAL "COUNTS"³ WITHIN A 24 HOUR PERIOD, AND RESTRICTS FACILITY RESIDENTS' PROPERTY according to TDCJ RULES, INCLUDING CLOSETS. STAFF AND OTHER CLIENTS ARE HOUSED IN DORMS WITH PRISONERS AND LIVE WITHIN CLOSE PROXIMITY OF EACH OTHER. CLIENTS AND PERSONNEL ALIKE SHARE THE SAME COMMUNAL BATHROOM, COMMUNITY RESTROOM, SAME EATING AREA, EAT THE SAME FOOD, SHARE THE SAME RECREATIONAL AREAS (SIMULTANEOUSLY), SAME FLOORWOWLINE AND SAME LAUNDRY AREA AND APPLIANCES. CLIENTS ARE UNDER THE SAME SECURITY STAFF, ARE SUBJECT TO DAILY SECURITY WALKTHROUGHS, ARE SUBJECT TO RANDOM PAT Downs OF THEIR PERSONS AND RANDOM SEARCHES OF THEIR ROOMS AND PERSONAL PROPERTIES. CLIENTS ARE SUBJECT TO URINALYSIS AND BREATHALYZERS AT ALL HOURS OF THE NIGHT. DRUGS OF ALL SORTS, K2 AND ALCOHOL ARE USED, BOUGHT, SOLD AND TRADED ON A REGULAR BASIS BY THE TDCJ RESIDENTS. IF AND WHEN CLIENTS ARE ALLOWED TO LEAVE THE FACILITY, THEY TOO ARE SEARCHED UPON RETURN AND ORDERED TO REMOVE SHOES AT TIMES.

2. Jackson v Johnson supra

3. COUNTS WHEN ALL RESIDENTS MUST RETURN TO BUNKS AND REMAIN THERE WHILE SECURITY STAFF VERIFIES FACILITY COUNTS CLEAR(CORRECT).

56. The Ft. Worth facility operates very similar to the El Paso facility, with differences being that the Ft. Worth Facility is smaller in capacity with RAZOR WIRE, NO CAMERAS INSIDE of LIVING AREA. NO COMMUNITY SHOWERS AND RESTROOMS. However, SIX PEOPLE ARE housed in the same room.

57. Under the current Civil Commitment Program as implemented, all of the important and TRAJECTORY aspects of Plaintiff's life are controlled by OVSOM. OVSOM forces clients to abide by their non-judicial laws or rules with the threat of severe punishment of prosecution. Within many instances OVSOM laws or rules transgresses the boundaries of Plaintiff's and other clients federal constitutional Rights. These laws or rules are promulgated from within without ANY LEGISLATIVE OR JUDICIAL AUTHORIZATION.

58. The threat of Sanction and prosecution is imminent and clients must obey case managers in all instances such as disclose all FINANCIAL INFORMATION, allow OVSOM to regulate freedom of speech, regulate all travel, obey case managers prepared weekly schedule, to remain in a secure residential facility, disregard all educational programs, disregard constitutional right to law library, review and censor all mail (incoming), regulate human contact from family and friends that are FINANCIALLY WITH Plaintiff's current status, and prohibit possessing pictures of Plaintiff's own family, OVSOM prohibits Plaintiff from seeking employment, however, maintains that Plaintiff must pay medical expenses, including dental,

GPS MONITORING FEES AND EXORBITANT TRANSPORTATION FEES TO ANY ENGAGEMENT THATS NOT MEDICAL OR PROGRAM RELATED. FINANCES SENT FROM FAMILY OR FRIENDS ARE EXPECTED TO BE UTILIZED BY THE CLIENT FOR ALL OF HIS ESSENTIAL AND NON-ESSENTIAL NEEDS, ALTHOUGH INVOLUNTARILY CRIMINALLY COMMITTED AND CONFINED. IF PLAINTIFF OR OTHER CLIENTS SCHEDULE A MEDICAL APPOINTMENT THROUGH CHSE MANAGER AND ITS DISCOVERED THAT CLIENT IS WITHOUT FUNDS, ITS A VIOLATION FOR NOT MEETING FINANCIAL OBLIGATION. THIS ISSUE DERIVES FROM TRANSPORTATION CONTRACTOR HAVING MADE A WASTED TRIP.

59. WHILE WITHIN HIS CONFINED STATE OVSDM HAS YET TO PROVIDE PLAINTIFF AND OTHER CLIENTS PROPER NUTRITIOUS FOOD, SHELTER, CLOTHING, MEDICAL CARE AND REMOVABLE SAFETY.⁴

60. PLAINTIFF WHILE AT EL PASO FACILITY, OVSDM ONLY PERMITTED PLAINTIFF TO LEAVE FACILITY FOR SCHEDULED MEDICAL VISITS AND PROGRAM TREATMENT. OTHERWISE, PLAINTIFF WAS CONFINED WITHIN FACILITY 24 HOURS A DAY.

61. PLAINTIFF WAS UNSUCCESSFULLY DISCHARGED FROM TREATMENT WITHOUT NOTICE OR AN OPPORTUNITY TO RESPOND BEFORE BEING CERMONIALLY PROSECUTED. ADMINISTRATIVE DIRECTIVE 5.8 PROVIDES A "STAFFING AND REVIEW" CLIENTS ARE NOT INVOLVED AND THE "TERM SHALL DECODE IF THE CLIENT IS DISCHARGED." PLAINTIFF HAS YET TO BE PROVIDED THE REASON FOR BEING UNSUCCESSFULLY DISCHARGED.

4. DESTROY v WINNEBAGO COUNTY DEPT. OF SOCIAL SERVICES, 498 U.S. 189 (1989).

62. It is Plaintiff's belief that he is entitled to due process under the Fourteenth Amendment before being arrested, confined, and subjected to prosecution. It is Plaintiff's belief that he and other clients are protected under the Fourteenth Amendment to not be subjected to conditions of confinement that amount to punishment.⁵

63. It is Plaintiff's belief that he and other clients are denied their First Amendment right to freedom of speech, freedom of religion and thought by OVSOM. This also includes the right to speak freely and the right to refrain from speaking at all.⁶

64. On Information and belief, a substantial amount of clients have been forced to forfeit their Fourteenth right to access the courts and some have suffered from procedural bars that exist within state and federal courts.⁷ Some clients have had Anders briefs filed by attorneys which resulted in clients being denied the right to a free and meaningful appeal.⁸

65. Plaintiff and other clients are being forced to utilize a grievance procedure that is strictly tailored for prisoners. The grievance procedure is monitored by TACI and is not

5. *Bell v. Wolfish*, 441 U.S. 520 (1979)

6. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943)

7. *Bounds v. Smith*, 430 U.S. 817 (1977)

8. *Evitts v. Lucey*, 469 U.S. 387 (1985)

Affordable to those involuntarily confined committed.⁹

66. Plaintiff and other clients while in El Paso had their property confiscated without due process. Plaintiff had correspondence confiscated by defendant Leron due to person not being on Plaintiff's Approved List. Plaintiff had property confiscated by Avalon due to not having adequate space in which to store property.

67. Plaintiff and other clients have been DENIED MEDICAL AND DENTAL CARE BY AVALON AND OVSOM WHILE IN THEIR CUSTODY AND CARE. January 8, 2012, Plaintiff suffered a broken tooth and was forced to go without proper dental care due to not having funds. Avalon DID NOT PROVIDE ANY TEMPORARY PAIN RELIEF AND OVSOM WAS DELIBERATE AND INDIFFERENT TO PLAINTIFF'S MEDICAL CONDITION.¹⁰ Plaintiff went 37 days in pain before he was able to pay for dental care at a local clinic. DURING THIS PERIOD Plaintiff was not afforded permission to LEAVE FACILITY to purchase temporary pain medication such as Tylenol, Aspirin, I-B Profin or Oral Gel. OVSOM DOES NOT ASSIST WITH FINANCES TO MEET PLAINTIFF'S OR OTHER CLIENT'S MEDICAL NEEDS. Plaintiff was forced to spend money sent to him by friends. Plaintiff is PROHIBITED FROM SEEKING EMPLOYMENT.

9. JACKSON V JOHNSON, 475 F.3d at 266

10. ESTELLE V Gamble, 429 U.S. 97 (1976)

68 Plaintiff and other clients were forced to live in "RESTRICTIVE AND DegrADING" conditions while at AVON FD ST PASS, where they were exposed to feces, urine, vomit, spit and blood in bathrooms, shower, and RECENTLY UP SMOKING AREA. PRISONERS/PROCEES first suffered from staph, cancer and other DEBILITATING DISEASES USED RESTROOM, SHOWER AND GENERAL LIVING AREA, WITHOUT ANYONE TAKING THE APPROPRIATE MEASURES IN MAKING SURE THAT Plaintiff's and other clients' HEALTH WERE NOT AT RISK. PRISONERS/PROCEES ARE ALLOWED TO WORK IN THE FACILITY KITCHEN, ASSISTING IN PREPARING FOOD WITHOUT BEING TESTED FOR INFECTIOUS Maladies SUCH AS HEPATITIS, VENereal DISEASES, AND OTHER COMMUNICABLE DISEASES THAT PRESENT A SERIOUS HEALTH RISK TO Plaintiff AND OTHER CLIENTS.

69. Plaintiff and other clients were subjected to verbal and physical abuse by PRISONERS/PROCEES due to being labeled sexually violent predators. Plaintiff and other clients cannot defend themselves due to threat of prosecution and fear of being sent to prison. Whereas the only consequences for PRISONERS/PROCEES are intermediate sanction facility (ISF) OR REVOCATION OF PAROLE. Plaintiff faces a third degree felony punishable by 2-10 years in prison, and possibly more if enhanced. The Fourteenth Amendment GUARANTEES Plaintiff and other clients SUBSTANTIVE DUE PROCESS AND PROTECTS AGAINST FUTURE HARM TO HEALTH, AS WELL AS PRESENT HARM."

70. Plaintiff has been retaliated against by OVSOM AND AVON

11. HELLING v MCKINNEY, 509 U.S. 25 (1993)

FOR EXERCISING HIS FIRST AMENDMENT RIGHT TO SEEK CLARIFICATION
OF PERSON RULES PRIOR TO APPLYING SIGNATURE TO INMATE
PACKAGE AND FOR THREATENING TO FILE A LAWSUIT AGAINST
FACILITY FOR VIOLATING FEDERAL CONSTITUTIONAL RIGHTS.¹²

71. Terms health and safety code §§41.082 CRIMINALIZES
CONSTITUTIONALLY PROTECTED SPEECH TO THE POINT WHERE PLAINTIFF
AND OTHER CLIENTS ARE NOT FREE TO EXPRESS THEMSELVES DUE
TO FEAR OF INCARCERATION AND PROSECUTION.¹³

72. Plaintiff and other clients are subjected to UNREASONABLE
SEARCHES AND SEIZURES AND RETALIATORY SEARCHES OF THEIR
POSSESSIONS, AND TO ARBITRARY SEIZURE OF PERSONAL BELONGINGS
UPON ARRIVAL AT HOSPITAL/HOUSE/PERSON FACILITY. PLAINTIFF BELIEVES
THAT HIS FOURTH AMENDMENT RIGHT TO BE SECURE AGAINST
UNREASONABLE SEARCHES AND SEIZURES AS A NON-PRISONER, IS FAR
GREATER THAN WHAT IT EXTENDS TO INCARCERATED PRISONERS.

73. Plaintiff and other clients are BEING TREATED MORE
RESTRICTIVELY THAN OTHER OUTPATIENT CLIENTS THAT ARE DILIGENTLY
COMMITTED. THE CONDITIONS ARE MORE PRIVATE THAN THAT
OF THOSE WHO ARE OUTPATIENTS. FOR EXAMPLE, OTHER OUTPATIENT
CIVILLY COMMITTED PERSONS ARE ALLOWED TO WORK, ATTEND
RELIGIOUS SERVICES OF CHOICE WITHOUT GOVERNMENT INTERFERENCE,

12. COLSON V GROTHMAN, 174 F.3d 498 (5TH CIR. 1999)

13. SHELTON V TUCKER, 364 U.S. 479 (1960); NAPLES V BUTTON, 371 U.S. 415 (1963)
AND ALEXANDER V UNITED STATES, 509 U.S. 544 (1993)

RECEIVE CORRESPONDENCE FROM FAMILY AND FRIENDS, ENTER
INTO A COMMITTED MONOGAMOUS RELATIONSHIP, PUBLIC RECREATION
(SUPERVISED OR UNSUPERVISED) PROCREATION AND A HOST OF
OTHER FUNDAMENTAL RIGHTS GUARANTEED BY THE UNITED
STATES CONSTITUTION.

74. ON INFORMATION, THE DEFENDANTS AT OVSOM BELIEF OF HAVING
THE ONLY SECURELY COMMITTED OUTPATIENT PROGRAM FOR SEXUALLY VIOLENT
PREDATORS IN THE UNITED STATES. AT THE EXCEPTION OF TEXAS' SEXUALLY
VIOLENT PREDATOR ACT (1999), THIS STATEMENT MAY HAVE HAD SOME
VALIDITY TO IT. HOWEVER, SINCE 2003 THROUGH THE PRESENT,
PLAINTIFF AND OTHER CLIENTS ARE CONFINED IN SECURE
RESIDENTIAL FACILITIES ANYWHERE FROM 4 TO 5 DAYS AT A TIME, 24
HOURS A DAY. CONFINEMENT WITHIN A SECURE RESIDENTIAL/COMMUNITY
RESIDENTIAL OR halfway house FACILITY AMOUNTS TO CONFINEMENT.¹⁴ THESE
FACILITIES ARE UNDER CONTRACT WITH TDCJ AND ARE CONSIDERED
CONFINEMENT BY TEXAS FENAL STATUTE¹⁵ AS WELL.

75. ON INFORMATION, OVSOM IS OF THE BELIEF THAT LIBERTY
RESTRAINTS ON TEXAS' SEXUALLY VIOLENT PREDATORS IS FAR LESS RESTRICTIVE,
THEN IF THEY WERE CONFINED IN A SECURE FACILITY IN KANSAS.¹⁶ FOR
PLAINTIFF AND OTHER CLIENTS, THE CONFINEMENT SCHEME IN TEXAS IS
FAR MORE RESTRICTIVE AND INTRUSIVE THAN THE INPATIENT PROGRAMS.
IN TEXAS PLAINTIFF AND CLIENTS ARE DENIED MEDICAL, PSYCHIATRIC,

14. JACKSON v. JOHNSON, 475 F.3d AT 265-66

15. TEXAS FENAL CODE § 1.07 (B)(C)

16. IN RE FISHER 164 SW3d 637 (TEx. 2005)

psychological, dental care and subjected to CIVILIAN
PROSECUTION WHILE WITHIN A CONFINED STATE. PLAINTIFF AND OTHER
CLIENTS ARE DENIED EQUAL PROTECTION, EVEN WITHIN THE IMPRISONMENT
SYSTEM, AS COMPARED TO CONSTITUTIONALLY CRIMINAL COMMITTED
PROGRAMS THROUGHOUT THE COUNTRY FOR SVPS. PLAINTIFF AND OTHER
CLIENTS ARE SUBJECT TO ADMIN. DIR. 7.14, WHICH CLEARLY LISTS
THEM TO THE CONFINES OF THE FACILITY AND SUBJECTS PLAINTIFF
AND CLIENTS TO RULES, REGULATIONS, AND POLICIES THAT ARE
STRICTLY TAILORED FOR PUNITIVE PURPOSES. EVEN WITHIN THIS
SITUATION, PLAINTIFF AND OTHERS ARE DENIED EQUAL PROTECTION
BECAUSE THE PENALTIES FOR VIOLATING RULES, REGULATIONS, AND
POLICIES ARE NOT THE SAME. PLAINTIFF AND OTHER CLIENTS ARE
SUBJECTED TO CIVILIAN SANCTIONS UPON VIOLATION OF RULES,
WHEREAS THEIR COUNTERPARTS SUFFER NO SUCH HARSH TREATS
EVEN REMOTELY CLOSE.

No. Plaintiff and other clients may not constitute a suspect
class, however, heightened security may be required where
fundamental interests are at issue.¹⁷ At the very least,
Plaintiff and other clients are to be provided more
considerate treatment and conditions of confinement
than prisoners/approaches whose conditions of confinement are
designed to punish.¹⁸

No. Plaintiff and other clients have been subjected to

17. HARPER V. VA. STATE Bd. OF ELECTIONS, 383 U.S. 663 (1966)

- 18. YOUNGBERG V. ROME, 457 U.S. 307, 322 (1982)

CONSTANT AND CONTINUOUS CONFINEMENT UPON RELEASE FROM DOJ.
FOR EXAMPLE, PLAINTIFF DISMISSED HIS FIFTEEN (15) YEAR SENTENCE
OCTOBER 25, 2011. HOWEVER, DEFENDANT TAYLOR SPECIFICALLY
CALLED FOR FURTHER CONFINEMENT. ACCORDING TO ADDENDUM 7.14
PLAINTIFF IS LIMITED TO THE CONFINES OF A SECURE "COMMUNITY
RESIDENTIAL FACILITY/Halfway House" WHICH IS NOTHING MORE
THAN A PLACE TO HOUSE PRISONERS/PROSECUTORS THAT ARE THERE AS A
RESULT OF THEIR CRIMINAL CONVICTIONS.¹⁹ PLAINTIFF AND OTHER
CLIENTS ARE BEING DEPRIVED OF LIFE, LIBERTY, AND PROPERTY
WITHOUT DUE PROCESS OF LAW.²⁰

78. ON INFORMATION AND BELIEF, DEFENDANT TAYLOR HAS A
POLICY, PRACTICE AND PROCEDURE THAT IMPOSES CIVIL
SANCTIONS AGAINST PLAINTIFF AND OTHER CLIENTS FOR FAILING
TO OBEY CIVIL COMMITMENT CONDITIONS. THIS VIOLATES
THE EX POST FACTO CLAUSE OF THE FOURTEENTH AMENDMENT.

79. PLAINTIFF DOES NOT SEEK RELEASE FROM THE CIVIL
COMMITMENT REQUIREMENT NOR DOES HE SUGGEST THAT IT IS
UNCONSTITUTIONAL WHEN PROPERLY ENACTED.

80. ON INFORMATION AND BELIEF, THE FREEDOM FROM
CONFINEMENT IS SUPPOSED TO OUTWEIGH CRIMINAL SANCTIONS.²¹ THE
DEFENDANT HAS ENACTED POLICY, PRACTICE AND PROCEDURES THAT

19. JACKSON V JOHNSON, 547 A.2d 1.07(14)(C)

20. VITER V JONES, 445 U.S. 480 (1980)

21. IN RE FISHER, 164 SW3d 637 (TEX. 2005)

allow for corrective sanctions against sexually violent predators that are confined. Even if no claim exist for violation of ex post facto, Plaintiff and other clients cannot be subjected to conditions that amount to punishment.²⁶

CAUSATION

81. Defendants Taylor and Leron are not Mental Health professionals or attorneys and cannot ensure that Plaintiff is afforded constitutionally adequate conditions of confinement and mental health treatment. Prior to this complaint, Defendant Taylor had the power and duty to afford Plaintiff constitutionally adequate outpatient mental health treatment, conditions of confinement and/or genuine outpatient conditions.
82. Defendant Taylor failed to on a continuing basis properly instruct, supervise, control, and discipline Defendant Leron in her duties; illegally directed the retrospective application and enforcement of punitive corrective sanctions while confined, without judicial imposition and constitutional safeguards. Prior to this complaint Defendant Taylor had the power and duty to properly instruct, supervise, control and correct violations but failed to do so.
83. Defendant Taylor has policies, practices and procedures

22. Bell v Wolfish, 441 U.S. at 536

that allow contraband confinement after discharging Person
Sentence; Resulting by having Plaintiff arrested, confined and
subjected to harassing prosecution for exercising First Amendment
right to seek clarification of prison rules prior to completing
furnace package with signature; conspire with other defendants
in violating Plaintiff's civil and federal constitutional rights
due to Plaintiff seeking redress of prison rules and unconstitutional
conditions of confinement, failing grievances and complaints for
other clients. Prior to this complaint, defendant Taylor had
the power and duty to properly instruct, supervise, control,
discipline and correct violations but failed to do so.

84. Defendant Lemon, Case Manager, Enforced the defendant's
illegally created and imposed commitment requirements rules
and conditions. Maintained to punish Plaintiff for making forward
complaints to Austin's Home office. Was deliberate and indifferent
to Plaintiff's dental, where Plaintiff was referred by defendant
Lemon to seek emergency dental care. Plaintiff was without
dental treatment for 37 days. Nor was he provided temporary
pain relief. Defendant Lemon was aware that Plaintiff's and
other clients' conditions of confinement were inadequate and
that they were harassed and retaliated against but did nothing
to protect or defend. Defendant Lemon had the power, and duty
to seek correction but failed to do so prior to this complaint.

85. Defendant Costello forced to on a continuing basis to properly
instruct, supervise, control and discipline defendant employees
in their duties, to know that Plaintiff and other clients

ARE ENTITLED TO MORE CONSIDERATE TREATMENT AND CONDITIONS OF CONFINEMENT THAN PRISONERS/HARTEES whose conditions are designed to punish; ALLOWED AVISON ADMINISTRATOR, DEFENDANT BRASHAW TO VIOLATE PLAINTIFF'S CIVIL AND FEDERAL CONSTITUTIONAL RIGHTS BY RETALIATING AGAINST PLAINTIFF FOR EXERCISING HIS FIRST AMENDMENT RIGHT TO FILE SUIT AGAINST AVISON; ALLOWED DELIBERATE AND DELIBERATELY TO DENY PLAINTIFF'S DENTAL NEEDS BY NOT PROVIDING APPROPRIATE DENTAL CARE IF NOT GOING TO APPLY EMERGENCY TRANSPORTATION; INADEQUATE SPACE FOR PROPERTY SO THAT ITS PROTECTED FROM THEFT, VANDALISM AND UNCONSTITUTIONAL CONFISCATION BY STAFF; PROPER RECREATIONAL AREA; and INADEQUATELY PREPARED FOOD THAT LACKS QUALITY AND QUANTITY.

Prior to this complaint defendant Costello had the power and duty to properly instruct, supervise and control employees under his direction but failed to do so.

86. Defendant Brashaw, Facility Administrator, Avilon Ft. Worth transitioned living center is not an attorney and cannot ensure that Plaintiff is afforded constitutionally adequate confinement, to the point where Plaintiff can exercise his freedom of speech under the First and Fourteenth Amendments without being retaliated against for doing so. Plaintiff sought clarification of rules prior to completing intake package and expressed his intentions to file a lawsuit against Avilon;

Defendant Brashaw DECLINED TO INTERFERE WITH PLAINTIFF'S TREATMENT, when Plaintiff had been given instructions by CASE MANAGER CLAY WASHINGTON TO WAIT FOR HIS APPROVAL TO GO OVER INTAKE FORM. Prior to this complaint defendant Brashaw had the power

and duty to correct violations but failed to do so.

87. Defendant Morales, Facility Administrator, "Avalon - El Paso Multi-use Facility is NOT an attorney and cannot or did NOT ensure that Plaintiff and other clients were afforded CONSTITUTIONALLY ADEQUATE confinement to the point where Plaintiff and other clients were subjected to confiscation of property without DUE PROCESS, LACK OF MEDICAL ATTENTION, Dental and Mental Health SERVICES, INADEQUATELY PREPARED food which at times consisted of ROTTEN AND FREEZER BURNED Food, SUBJECTING CLIENTS TO EXPOSURE OF FECES, URINE, VOMIT, SPIT and BLOOD IN SHOWER AREA, TOILET SEATS and RECREATIONAL/SMOKE AREA, EXCESSIVE SEARCH and SEIZURE BY WAKING CLIENTS UP OUT OF THEIR SLEEP AT 23:45 hours for BLOOD TESTS and URGENT CARE. ALSO SEIZING CLIENTS' LEGAL and PROGRAM MATERIAL to the point where they are reading it, SUBJECT CLIENTS TO INADEQUATE TRANSPORTATION to and from treatment by placing all of clients for a small passenger van where they do not fit with the benefit of SEAT BELT protection and LACK of RECREATIONAL Space.

LEGAL CLAIMS

CLAIM 1: VIOLATION OF SUBSTANTIVE DUE PROCESS

- (1) Defendants Taylor and Leon failed to provide Plaintiff and other clients their substantive due process right to CONSTITUTIONALLY adequate Mental Health TREATMENT and conditions of confinement as required by the Fourteenth Amendment.

(1)(G) Defendants knowingly, recklessly or with gross negligence, through policies, practices, and procedures violated clearly established federal law, that was well settled at the time of this complaint,²³ failed to provide Plaintiff and other clients constitutionally adequate conditions of confinement and medical health treatment. Defendants on a continuing basis violates Plaintiff's substantive due process rights under the Fourteenth Amendment. Plaintiff alleges and incorporates by reference paragraphs 14-87.

(1)(B) Defendants Costello (President), Busham and Morales Facility Administrators for Avalon Correctional Services, Incorporated, through company policy, practice, and procedures, whether knowingly or with gross negligence violated clearly established federal law by failing to afford Plaintiff and other clients their constitutional protections. Plaintiff and other clients were denied constitutional conditions of confinement while in El Paso and Plaintiff was retaliated against by Defendant Busham for exercising his First Amendment right to address, seek clarification of prison rules prior to completing intake package with illegitimacy, and for threatening to file a lawsuit against Avalon. Plaintiff's substantive due process rights under the Fourteenth Amendment were violated. Plaintiff alleges and incorporates by reference paragraphs 14-87.

23. ANDERSON v CREECHTON, 483 U.S. 635 (1987); NELSON v LAYNE, 526 U.S. 603 (1999).

CLAIM 2: UNCONSTITUTIONAL PUNISHMENT

(2) Defendants unconstitutional punished Plaintiff and other clients in violation of the Fourteenth Amendment.

(3)(c) Defendants knowingly housed Plaintiff and other clients in a punitive environment with persons who are prisoners.²⁴ Plaintiff was confined at the El Paso Facility 154 days and one day at the Ft. Worth Facility and could not leave either facility without the permission of case manager. Plaintiff is not on parole and is being unconstitutional punished by being forced to reside with and abide by the same punitive rules as persons serving the remainder of their sentences on mandatory supervision or parole, with no active sentence. The defendants knew of the substantial risk of serious harm to clients under this policy of housing Plaintiff and clients with prisoners. This policy created an unsafe environment and substantial risk, where Plaintiff and other clients could be injured. Plaintiff realleges and incorporate by reference paragraphs 16, 51-60.

(2)(d) Defendants knowingly violated Plaintiff's constitutional right to be freed upon completion of a sentence,²⁵ which expired October 25, 2011. Plaintiff was transported

24. Jackson v Johnson, supra.

25. Jones v City of Jackson, 203 F.3d 875 (5th Cir. 2000).

and placed within another secured correctional facility. On March 8, 2012, Plaintiff was transferred and transported under guard by state police to another secured correctional facility in Ft. Worth, Texas. Plaintiff alleges and incorporates by reference paragraphs 16, 18, 51-77.

(3)(c) Defendants knowingly subject Plaintiff and other clients to unsuccessful discharge from treatment and felony complaints filed pursuant to Tex. Health and Safety Code § 841.085 for failure to comply with civil commitment, many times based primarily upon alleged violations of illegal requirements and rules created, imposed and enforced by defendants. These charges are constitutionally punitive as they are based upon what amounts to mere technical violations upon our counterparts. Plaintiff alleges and incorporate by reference paragraph 61.

CLAIM 3: VIOLATION OF PROCEDURAL DUE PROCESS

(3) Defendants deprive Plaintiff and other clients of procedural due process under the Fourteenth Amendment.

(3)(a) Defendants knowingly housed Plaintiff and other clients within the confines of the multi-use-facility (El Paso) and Ft. Worth facilities, which are not outpatient facilities. This confinement is arbitrary and materially alter the "outpatient" nature of civil commitment under

TERIS HEALTH AND SAFETY CODE CHAPTER 841 WITHOUT DUE PROCESS UNDER THE FOURTEENTH AMENDMENT. PLAINTIFF RECOGNIZES AND INCORPORATE BY REFERENCE PARAGRAPHS 51-75.

(3)(b) DEFENDANTS KNOWINGLY Housed PLAINTIFF AND OTHER CLIENTS WITHIN THE CONFINES OF SECURE FACILITIES WHERE THE RESTRICTIONS AND LIMITATIONS ON LIBERTY ARE FAR GREATER THAN THEIR COUNTERPARTS, WHOSE BEEN RELEASED ON MANDATORY SUPERVISION AND PAROLE. PLAINTIFF IS NOT ON MANDATORY SUPERVISION OR PAROLE AND WAS NOT AT THESE FACILITIES AS A RESULT OF HIS CRIMINAL CONVICTION. PLAINTIFF'S CONDITIONS OF CONFINEMENT ARE ARBITRARILY AND MATERIALLY ALTER THE "OUTPATIENT" NATURE OF PLAINTIFF'S CRIMINAL COMMITMENT UNDER THE TEX. HEALTH AND SAFETY CODE CHAPTER 841 WITHOUT DUE PROCESS UNDER THE FOURTEENTH AMENDMENT. PLAINTIFF RECOGNIZES AND INCORPORATE BY REFERENCE PARAGRAPHS 51-75.

(3)(c) DEFENDANTS KNOWINGLY SUBJECT PLAINTIFF AND OTHER CLIENTS TO THE CREATION AND IMPOSITION OF HUNDREDS OF ONEROUS AND DISINCENTIVE REQUIREMENTS WITHOUT DUE PROCESS. NO STATUTORY PROVISIONS IS MADE FOR THE DEFENDANTS TO IMPOSE AND ENFORCE ANY OTHER REQUIREMENTS RESTRICTING THE LIBERTY OF PLAINTIFF AND OTHER CLIENTS WITHOUT THE NOTICE AND HEARING REQUIRED BY STATUTE.²⁶ THE DEFENDANTS IMPOSE IT ON AND ENFORCEMENT OF ADDITIONAL REQUIREMENTS IS AN ILLEGAL MODIFICATION OF ADDITIONAL SANCTIONS

26. TEX. HEALTH AND SAFETY CODE § 841.082

AND IS AN END RUN AROUND THE PURPORTED NON-PUNITIVE
INTENT OF THE LEGISLATURE, VIOLATING PLAINTIFF'S
RIGHT TO DUE PROCESS UNDER THE FOURTEENTH AMENDMENT.
PLAINTIFF ALLEGES AND INCORPORATE BY REFERENCE
PARAGRAPH 57.

CLAIM 4: VIOLATION OF EQUAL PROTECTION

(4) DEFENDANTS DENY PLAINTIFF AND OTHER CLIENTS EQUAL
PROTECTION.

Defendants knowingly housed Plaintiff and other clients
within the confines of secure facilities where restrictions
and limitations on liberty are far greater than their
counterparts who have been released on mandatory supervision and
parole. Plaintiff is not on mandatory supervision or parole.
As an "outpatient," Plaintiff is arbitrarily and essentially
treated differently than his counterparts and any other
mental health outpatient, VIOLATING HIS RIGHT TO EQUAL
PROTECTION UNDER THE LAW AS REQUIRED BY THE FOURTEENTH
AMENDMENT. Plaintiff alleges and incorporate by
reference paragraphs 69-77.

CLAIM 5: DEPRIVATION OF LIBERTY AND PROPERTY INTEREST

(5) THE DEFENDANTS BROADLY DEPRIVE PLAINTIFF AND
OTHER CLIENTS AS OUTPATIENTS, OF THEIR CONSTITUTIONALLY PROTECTED
LIBERTY AND PROPERTY INTEREST.

(5)(a) Defendants knowingly subjected Plaintiff and other clients to felony complaints and prosecution, constant written and verbal threats of prosecution under Texas Health and Safety Code § 841.085, even embodied in the illegal requirements imposed and enforced by the defendants, used to control, confine and prosecute Plaintiff and other clients for exercising constitutional rights. Section 841.085 is vague and over broad as applied by defendants. Section 841.085 imposes a serious felony punishment which is subject to enhancement. Because § 841.085 is poorly unconstitutional defined and delimited, it is used by the defendants to broadly impair Plaintiff's and other clients' constitutionally protected liberty interest in freedom and exerts a chilling effect on their speech and action in violation of the First and Fourteenth Amendments. Plaintiff re-alleges and incorporates by reference paragraphs 57, 58, 60, 62 and 71.

(5)(b) Defendants knowingly protect Plaintiff and other clients from engaging in consensual, intimate relationships, violating their right to privacy, association and right to make decisions regarding legal sexual conduct in violation of the First and Fourteenth Amendments. Plaintiff re-alleges and incorporates by reference paragraphs 63, 71, and 73.

(5)(c) Defendants knowingly, recklessly or with gross

NEGLIGENCE, THROUGH POLICY, PRACTICE AND PROCEDURE VIOLATED CLEARLY ESTABLISHED FEDERAL LAW BY PROHIBITING PLAINTIFF'S AND OTHER CLIENTS' FAMILIAL CONTACT AND ASSOCIATION. PLAINTIFF AND OTHER CLIENTS MUST OBTAIN CASE MANAGER APPROVAL TO HAVE CONTACT WITH FAMILY MEMBERS AND CLOSE FRIENDS. THE DEFENDANTS DETERMINE WHO CAN VISIT AND HAVE CONTACT. BY DENYING PLAINTIFF AND OTHER CLIENTS ACCESS TO THEIR FAMILIES AND FRIENDS, THE DEFENDANTS BROADLY IMPAIR PLAINTIFF'S CONSTITUTIONALLY PROTECTED LIBERTY INTEREST IN FAMILY VISITATION AND ASSOCIATION IN A MANNER THAT SERVES NO LEGITIMATE STATE INTEREST IN VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENT. PLAINTIFF RECOGNIZES AND INCORPORATE BY REFERENCE PARAGRAPHS 13, 57, 58, 73-75.

(5)(d) DEFENDANTS KNOWINGLY REQUIRE PLAINTIFF AND OTHER CLIENTS TO SCHEDULE ALL NON-EMERGENCY MEDICAL VISITS AND ONLY ALLOW A TWO(2) HOUR WINDOW TO VISIT A DOCTOR. PLAINTIFF AND OTHER CLIENTS ARE FORCED TO RETURN TO THE FACILITY WITHOUT RECEIVING MEDICAL SERVICES, AND MUST AWAIT THE NEXT SCHEDULED VISIT TO RECEIVE TREATMENT. THERE ARE TIMES THE NEXT AVAILABLE CLINIC APPOINTMENT IS SEVERAL MONTHS LATER. THE DEFENDANTS BROADLY RESTRICT PLAINTIFF'S INTEREST IN MEDICAL CARE AND BODY INTEGRITY IN A MANNER THAT IS DELIBERATELY INDIFFERENT TO HIS MEDICAL NEEDS²⁷ AND SERVES NO LEGITIMATE STATE INTEREST.

²⁷. ESTELLE v. GARIBBLE SUPRA

(56) THE DEFENDANTS KNOWINGLY, RECKLESSLY, OR WITH GROSS NEGLIGENCE FORCED PLAINTIFF AND CLIENTS TO SOLICITATE WITH ANYONE. THE TREATMENT BEHAVIOR CONTRACT REQUIREMENTS PROHIBIT ASSOCIATING WITH PERSONS HAVING CRIMINAL HISTORIES, YET THE EL PASO AND FT. WORTH FACILITIES ARE SECURED RESIDENTIAL FACILITIES, OCCUPIED BY PRISONERS/PAROLEES. DEFENDANTS OFTEN USE FAMILY MEMBERS' CRIOTOWN HISTORIES TO DENY A CLIENT CONTACT WITH FAMILY MEMBERS. IN ADDITION, THE DEFENDANTS' SUPERVISION REQUIREMENTS AND SUPPLEMENTAL RULES PROHIBIT CONTACT WITH ANYONE WITHOUT THE MANAGER APPROVAL. CONTACT INCLUDES "BEING IN THE PRESENCE OF ANOTHER PERSON." THE DEFENDANTS BROADLY RESTRICTS PLAINTIFF'S LIBERTY INTEREST IN THE FREEDOM OF SPEECH, ASSOCIATION AND ASSEMBLY IN A MANNER THAT SERVES NO LEGITIMATE STATE INTEREST.

(56) THE DEFENDANTS KNOWINGLY, RECKLESSLY OR WITH GROSS NEGLIGENCE THROUGH GOALCY, PRACTICE, AND PROCEDURE VIOLATED CLEARLY ESTABLISHED FEDERAL LAW BY DENYING PLAINTIFF AND OTHER CLIENTS MEANINGFUL ACCESS TO COURTS. PLAINTIFF AND OTHER CLIENTS WERE NOT PROVIDED A LAW LIBRARY, RESEARCH LAWYERS OR ANY FORM OF LEGAL ASSISTANCE WHILE AT THE FACILITIES IN EL PASO AND FT. WORTH. PRISONERS/PAROLEES ARE AFFORDED MORE MEANINGFUL COURT ACCESS THAN IS PLAINTIFF AS AN OUTPATIENT. IF AND WHEN PLAINTIFF IS ALLOWED ACCESS TO COURTS, IT'S GENERALLY PROVIDED THROUGH PRISONERS/PAROLEES THAT CHARGE A FEE, TO GO TO THE

LIBRARY, FIND AND COPY CASES. PLAINTIFF AND OTHER
CLIENTS ARE UNEMPLOYED AND ARE BEING DENIED
CONSTITUTIONALLY GUARANTEED MEANINGFUL ACCESS TO COURTS
IN A MANNER THAT SERVES NO LEGITIMATE STATE
INTERESTS. PLAINTIFF REMIGES AND INCORPORATE BY
REFERENCE PARAGRAPH 64.

(5)(g) DEFENDANTS KNOWINGLY THROUGH POLICY, PRACTICE
AND PROCEDURE CREATE, IMPOSE, AND ENFORCE BROAD SUSPENSION
REQUIREMENTS, PROHIBITIONS AND CONDITIONS OF CONFINEMENT
THAT DEPRIVE PLAINTIFF AS AN "OUTPATIENT" OF HIS
CONSTITUTIONALLY PROTECTED LIBERTY INTERESTS. THE DEFENDANTS
CREATE, IMPOSE, AND ENFORCE REQUIREMENTS, PROHIBITIONS,
AND CONDITIONS NOT NARROWLY TAILORED TO SERVE A COMPELLING
STATE INTEREST. AS AN "OUTPATIENT PROGRAM," THE REQUIREMENTS
AND CONDITIONS ARE NOT THE LEAST RESTRICTIVE MEANS TO
SERVE THE STATES' COMPELLING INTEREST, IF ANY, THAT REQUIRE
THE LIMITATION OF PLAINTIFF'S RIGHT. PLAINTIFF REMIGES
AND INCORPORATE BY REFERENCE PARAGRAPHS 51-84.

CLAIM 6: RETALIATION FOR EXERCISING CONSTITUTIONAL RIGHTS

(6) DEFENDANTS DEPRIVED PLAINTIFF OF HIS FREEDOM OF
SPEECH AS GUARANTEED BY THE FIRST AND FOURTEENTH
AMENDMENTS.

(6)(a) DEFENDANT BASTIAN ON MARCH 9, 2012 KNOWINGLY,
THROUGH POLICY, PRACTICE, AND PROCEDURE VIOLATED

CLEARLY ESTABLISHED FEDERAL LAW BY RETALIATING AGAINST PLAINTIFF FOR EXERCISING HIS FIRST AMENDMENT RIGHTS TO ADDRESS AND SEEK CLARIFICATION OF PRISON RULES PRIOR TO AFFIXING HIS SIGNATURE. DEFENDANTS ALSO RETALIATED AGAINST PLAINTIFF BECAUSE HE MADE IT KNOWN THAT HE WAS ALREADY IN THE PROCESS OF SEEKING CIVIL REMEDIES AGAINST AVALON CORRECTIONAL SERVICES, INCORPORATED. DEFENDANT BASHKIR'S ACTIONS AMOUNT TO RETALIATION FOR PLAINTIFF'S EXPRESSED INTENT TO NOT COMPLETE INTAKE APPLICATION WITH SIGNATURE UNTIL PRISON RULES WERE PROPERLY CLARIFIED AND FOR EXPRESSING HIS WILL TO SEEK CIVIL ACTION AGAINST AVALON. THEREFORE VIOLATING PLAINTIFF'S FIRST AND FOURTEENTH AMENDMENT RIGHTS. PLAINTIFF REQUIRES AND INCORPORATE BY REFERENCE PARAGRAPHS 35-50.

(C)(B) DEFENDANT TAYLOR DEPRIVED PLAINTIFF OF HIS FREEDOM OF SPEECH AND RETALIATED AGAINST PLAINTIFF BY HAVING AN ARREST WARRANT ISSUED AND THEREAFTER CONFINED IN THE TARRANT COUNTY JAIL AND SUBJECT TO MALICIOUS PROSECUTION PURSUANT TO TEX. HEALTH AND SAFETY CODE § 841.085 FOR SEEKING CLARIFICATION TO PRISON RULES. DEFENDANT TAYLOR HAS DENIED PLAINTIFF THE RIGHT TO "SPEAK FREELY" AS GUARANTEED BY THE FIRST AND FOURTEENTH AMENDMENTS. PLAINTIFF REQUIRES AND INCORPORATE BY REFERENCE PARAGRAPHS 35-50.

(C)(C) DEFENDANTS KNOWINGLY RETALIATED AGAINST

PLAINTIFF FOR EXERCISING HIS FIRST AMENDMENT RIGHTS
TO CONTACT ATTORNEYS CONCERNING THE UNCONSTITUTIONAL
CONDITIONS OF HIS CONFINEMENT AND FOR WRITING
A LETTER TO AVALON'S PRESIDENT ON FEBRUARY 13, 2012
WITH INTENTIONS OF FILING A LAWSUIT AGAINST
AVALON CORRECTIONAL SERVICES, INCORPORATED. PLAINTIFF AT
NO TIME PRIOR TO MARCH 9, 2012, RECEIVED A VERBAL OR
WRITTEN VIOLATIONS FROM OVSOM OR AVALON AND THEREFORE
THE ONLY REASONABLE EXPLANATION FOR THE DEFENDANTS'
CONDUCT IS DUE TO PLAINTIFF CONSTITUTIONALLY EXPRESSING
HIS RIGHT TO FREEDOM OF SPEECH. PLAINTIFF PRIVILEGES
AND IMMUNITIES BY REFERENCE PARAGRAPHS 35-50.

CLAIM 7: REFUSING OR NEGLECTING TO PREVENT THE UNLAWFUL
DEPRIVATION OF PLAINTIFF'S CIVIL RIGHTS.

(7) OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT
EXECUTIVE DIRECTOR ALLISON TAYLOR, CASE MANAGER
DIANA LIGON, AVALON CORRECTIONAL SERVICES, INCORPORATED
PRESIDENT BRIAN COSTELLO, FACILITY ADMINISTRATORS
GREG BRASHAM AND CARLOS MORALES PURSUANT TO OFFICIAL
POLICY, CUSTOM, OR PRACTICE REFUSED OR NEGLECTED
TO PREVENT THE VIOLATIONS OF PLAINTIFF'S
CONSTITUTIONAL RIGHTS.

AS EXPRESSED ABOVE AT SECTIONS 4-6, DEFENDANT
EMPLOYEES OF OVSOM AND AVALON VIOLATED PLAINTIFF'S
CONSTITUTIONAL RIGHTS. AT ALL TIMES RELEVANT TO THIS

COMPLAINT, ALL DEFENDANTS WERE ACTING UNDER THE DIRECTION AND CONTROL OF EXECUTIVE DIRECTOR ALISON TAYLOR. ACTING UNDER COLOR OF STATE LAW AND PURSUANT TO OFFICIAL POLICY, CUSTOM, OR PRACTICE, DEFENDANTS KNOWINGLY, RECKLESSLY OR WITH GROSS NEGLIGENCE FAILED TO, ON A CONTINUING BASIS, INSTRUCT, SUPERVISE, CONTROL OR ADVISE OVSOM AND AVALON EMPLOYEES IN THEIR DUTIES TO REFRAIN FROM UNLAWFULLY RESTRAINING AND CONFINING PLAINTIFF, TO REFRAIN FROM UNLAWFULLY DEPRIVING PLAINTIFF OF HIS CONSTITUTIONAL RIGHTS AND IMMUNITIES.

STATE LAW CLAIMS

CLAIM 8: VIOLATION OF TEXAS LAW FAILURE TO PROVIDE GENUINE "OUTPATIENT" TREATMENT

(8) EXAMINED ON THE WHOLE, AS IMPLEMENTED AND APPLIED, THE DEFENDANTS FAIL TO PROVIDE GENUINE "OUTPATIENT" CONDITIONS AND TREATMENT AS REQUIRED BY TEX. HEALTH AND SAFETY CODE CHAPTER 841.

BRIEFLY STATED, PLAINTIFF AND OTHER CLIENTS ARE CONFINED IN VARIOUS SECURE RESIDENTIAL FACILITIES THROUGHOUT THE STATE OF TEXAS AND ARE FORBIDDEN TO LEAVE FACILITIES WITHOUT THE PERMISSION OF THEIR CASE MANAGERS. WHEN PLAINTIFF IS ALLOWED TO LEAVE, THE VAST MAJORITY OF THE TIME IT IS FOR MEDICAL OR ON OVSOM MANDATED TRIPS UNDER ESCORT AND OR SURVEILLANCE.

THE VAST MAJORITY OF THE IMPORTANT AND TENIENT ASPECTS OF PLAINTIFF'S LIFE IS CONTROLLED BY THE DEFENDANTS. PLAINTIFF AND OTHER OUTPATIENT CLIENTS ARE SUBJECT TO PROSECUTION FOR VIOLATIONS AMOUNTING TO TECHNICAL VIOLATIONS. PLAINTIFF IS SUBJECTED TO REQUIREMENTS AND CONDITIONS MORE PUNITIVE THAN THOSE IMPOSED UPON PRISONERS/PAROLEES WITHIN THE VERY SAME FACILITIES. PLAINTIFF MUST OBEY ALL VERBAL AND WRITTEN INSTRUCTIONS GIVEN BY CASE MANAGER OR THERAPIST, EVEN IF VIOLATIVE OF HIS CONSTITUTIONAL RIGHTS OR SUBJECT HIMSELF TO CRIMINAL PROSECUTION. PLAINTIFF MUST COMPLY WITH HUNDREDS OF REQUIREMENTS AND RULES AND HAS LIBERTY INTEREST TAKEN AWAY, OR SEVERELY INFRINGED UPON. CIVIL COMMITMENT UNDER TEX. HEALTH AND SAFETY CODE CHAPTER 841, AS IMPLEMENTED AND APPLIED, IS NOT "OUTPATIENT" TREATMENT AND VIOLATES TEXAS LAW. PLAINTIFF RECOLLEGES AND INCORPORATE BY REFERENCE PARAGRAPHS 16-80.

CLAIM 9: UNLAWFUL CONFINEMENT

(9) Defendant Taylor knowingly violated Plaintiff's state constitutional right to be free upon completion of a sentence which expired October 25, 2011. Defendant Taylor as a public servant acting under color of her office or employment, intentionally and knowingly subjected Plaintiff to further confinement by placing him within a secured facility with prisoners/parolees that are still serving time on active or current sentences. This also violated the due process clause of the Fourteenth Amendment.

CLAIM 10: UNLAWFUL ARREST AND CONFINEMENT FOR EXERCISING HIS FIRST AND FOURTEENTH AMENDMENT

(i) Defendant Taylor knowingly violated Plaintiff's state constitutional rights while acting under color of her office or employment as a public servant, intentionally and knowingly caused the arrest and confinement of Plaintiff for exercising his freedom of speech under both, First and Fourteenth Amendments to the United States Constitution. Defendant Taylor was fully aware that Plaintiff was already detained and/or confined as an SJP and that no further punishment could be had. Plaintiff is purportedly detained and/or confined solely for the purpose of "outpatient" treatment.

CLAIM 11: RETALIATION FOR EXERCISING CONSTITUTIONAL RIGHTS AND SUBJECTED TO MALICIOUS PROSECUTION

(ii) Defendant Taylor knowingly violated Plaintiff's state constitutional rights while acting under color of her office or employment as a public servant, intentionally and knowingly retaliated against Plaintiff for exercising his freedom of speech and for attempting to seek redress through the courts against OVSOM and Aviacion, by having an arrest warrant issued and thereafter confined in the Tarrant County Jail and subjected to malicious prosecution. Defendant Taylor violated Plaintiff's First and Fourteenth Amendment Rights to the United States Constitution.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully prays that
THIS COURT GRANT PLAINTIFF THE FOLLOWING RELIEF:

A DECLARATORY JUDGMENT THAT:

AS APPLIED AND USED BY THE DEFENDANTS, TEXAS
HEALTH AND SAFETY CODE § 8841.085 IS CONSTITUTIONALLY
INVIALED IN THAT IT IS VAGUE, OVERBROAD, PUNITIVE
AND IS GOORLY AND UNCONSTITUTIONALLY DEFINED AND
DELIMITED, ALLOWING THE DEFENDANTS TO MAKE "SUA SPONTE"
DETERMINATIONS THAT THE ISSUING COURT'S FINAL JUDGMENT
AND ORDER OF COMMITMENT HAS BEEN VIOLATED, RATHER
THAN REQUIRING JUDICIAL DETERMINATION OF VIOLATIONS,
AS SPECIFIED ABOVE.

THE DEFENDANTS FAILED TO PROVIDE PLAINTIFF HIS
SUBSTANTIVE DUE PROCESS RIGHTS TO CONSTITUTIONALLY
ADEQUATE MENTAL HEALTH TREATMENT AS SPECIFIED HEREIN.
THE DEFENDANTS ACTS AND OMISSIONS OTHERWISE VIOLATED
PLAINTIFF'S RIGHTS UNDER THE UNITED STATES CONSTITUTION
AS SPECIFIED HEREIN. THE DEFENDANTS FAILED TO PROVIDE
PLAINTIFF WITH GENUINE "OUTPATIENT" TREATMENT CONDITIONS
IN VIOLATION OF STATE LAW AS SPECIFIED HEREIN.

DEFENDANTS TAYLOR AND LEMON VIOLATED STATE LAW IN
THE COURSE OR FURTHERANCE OF THE VIOLATIONS OF PLAINTIFF'S
CONSTITUTIONAL RIGHTS AS SPECIFIED HEREIN.

A PRELIMINARY AND PERMANENT INJUNCTION:

ENJOINING THE DEFENDANTS, THEIR AGENTS, DELEGATES OR CONTRACTORS FROM PUNISHING, INTIMIDATING, OR OTHERWISE RETALIATING AGAINST PLAINTIFF FOR SEEKING REDRESS OF GRIEVANCES, OR FOR ACCESSING THE LAW LIBRARY OR THE COURTS.

REQUIRING THE DEFENDANTS TO AFFORD PLAINTIFF MEANINGFUL ACCESS TO THE COURTS BY PROVIDING PLAINTIFF WITH QUALIFIED LEGAL ASSISTANCE, PROVIDE PLAINTIFF WITH ADEQUATE TRANSPORTATION TO COUNTY LAW LIBRARY FOR A MINIMUM TEN (10) HOURS PER WEEK (PRISONERS ARE MANDATED TEN (10) HOURS A WEEK IN TEXAS).

ENJOINING THE DEFENDANTS FROM ANY FURTHER VIOLATION OF PLAINTIFF'S OR ANY CIVIL COMMITMENT CLIENT'S CONSTITUTIONAL OR STATE LAW RIGHTS.

A PERMANENT INJUNCTION:

REQUIRING THE DEFENDANTS TO BRING THE OUTPATIENT LEVEL COMMITMENT PROGRAM INTO COMPLIANCE WITH FEDERAL AND STATE LAW.

REQUIRING REVISION AND IMPROVEMENT OF THE "INTERNAL REVIEW" PROCEDURES TO PROVIDE FOR DIVERSITY ASSURANCE IN THE PROTECTION OF OUTPATIENT CLIENT RIGHTS, POLICY REVIEW,

AND COMPLIANCE, AND ADEQUATE INTERNAL INVESTIGATIONS
OF INCIDENTS.

REQUIRING THE ESTABLISHMENT OF AN "EXTERNAL" CIVIL
OR JUDICIAL OVERSIGHT BOARD, COMMITTEE, OR OMBUDSMAN
SERVICE, INDEPENDENT OF THE AGENCIES OF THE STATE OF TEXAS,
TO PROPOSE CHANGES TO THE OUTPATIENT CIVIL COMMITMENT
PROGRAM IN ORDER TO ENSURE THE PROGRAM COMPLETES
WITH FEDERAL AND STATE LAW AND TO ENSURE THOSE CHANGES
ARE IMPLEMENTED AND CONTINUOUSLY CARRIED OUT.

REQUIRING OVSM TO PROVIDE A QUALIFIED OUTPATIENT
CLIENT ADVOCATE TO SERVE AS LIAISON BETWEEN CLIENT'S
CASE MANAGERS, THE CLINICAL DIRECTOR, AND THE EXECUTIVE
DIRECTOR OF OVSM.

REQUIRING OVSM TO CREATE AND REVISE POLICIES
AND PROCEDURES FOR THE OUTPATIENT CIVIL COMMITMENT PROGRAM
THAT ENSURE OUTPATIENT CLIENT RIGHTS ARE PROPERLY
SAFEGUARDED.

REQUIRING OVSM TO IMPLEMENT A REVISED AND
CONTINUOUS EDUCATION PROGRAM TO ENSURE THAT OVSM STAFF
AND CONTRACTORS APPROPRIATELY RESPECT THE RIGHTS OF
CIVIL COMMITMENT CLIENTS.

The appointment by the court of:

A SPECIAL MASTER TO ASSIST IN PREDICTING ANY
COMPLAINTS ORDERED AND TO SUBMIT REPORTS TO THE COURT.

THE AWARD OF COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS:

\$100,000 AGAINST DEFENDANT TAYLOR FOR FAILING OR
REFUSING TO PROVIDE PLAINTIFF CONSTITUTIONALLY ADEQUATE
OUTPATIENT MENTAL HEALTH TREATMENT AS REQUIRED BY DUE
PROCESS, AND FOR FAILING OR REFUSING TO ALLOW PLAINTIFF
GENUINE "OUTPATIENT" CONDITIONS AS REQUIRED BY STATE LAW,
AND AS SPECIFIED HEREIN.

\$10,000 AGAINST DEFENDANT LEMON FOR FAILING OR
REFUSING TO PROVIDE PLAINTIFF CONSTITUTIONALLY ADEQUATE
MEDICAL AND DENTAL CARE. DEFENDANT LEMON FORCED PLAINTIFF
TO GO 37 DAYS WITHOUT DENTAL CARE DUE TO PLAINTIFF NOT
HAVING FUNDS TO PAY FOR TREATMENT.

\$600,000 AGAINST DEFENDANT TAYLOR FOR CAUSING THE
ARREST, CONFINEMENT AND SUBJECTING PLAINTIFF TO VILIOUS
PROSECUTION FOR EXERCISING HIS FIRST AND FOURTEENTH
AMENDMENT RIGHTS BY SEEKING ^{THE} CLARIFICATION OF PRISON RULES PRIOR
TO COMPLETING INTAKE PACKAGE WITH SIGNATURE AND FOR
FILING GRIEVANCES AND COMPLAINTS WITH AVALON AND MAKING THEM
AVAILABE OF PLAINTIFF'S DRAFT TO FILE LAWSUIT.

\$100,000 AGAINST DEFENDANT TAYLOR FOR CAUSING THE CONSTANT
AND CONTINUOUS UNLAWFUL CONFINEMENT OF PLAINTIFF AFTER

OCTOBER 25, 2011, WHERE PLAINTIFF HAD DISCHARGED A FIFTEEN YEAR SENTENCE PRIOR TO BEING RELEASED FROM TDCJ.

\$200,000 AGAINST DEFENDANT BASTHAN AND COSTELLO. DEFENDANT COSTELLO AS PRESIDENT OF AWAON CORRECTIONAL SERVICES HAS A POLICY, PRACTICE, OR PROCEDURE THAT ALLOWS EMPLOYEES (DEFENDANT BASTHAN) TO VIOLATE CLEARLY ESTABLISHED FEDERAL LAW BY RETALIATING AGAINST PLAINTIFF FOR EXERCISING HIS FEDERAL CONSTITUTIONAL RIGHTS UNDER THE EIGHTH AND FOURTEENTH AMENDMENTS. IN THE COURSE OF RETALIATING AGAINST PLAINTIFF, DEFENDANT BASTHAN INTERFERED WITH PLAINTIFF'S MENTAL HEALTH OUTPATIENT TREATMENT BY CAUSING HIS ARREST, CONFINEMENT AT THE TARRANT COUNTY JAIL AND SUBJECTED TO Maleicious PROSECUTION.

THE AWARD OF PUNITIVE DAMAGES IN THE FOLLOWING AMOUNTS:

\$100,000 EACH AGAINST DEFENDANTS TAYLOR, COSTELLO HORSES, BASTHAN AND \$10,000 AGAINST DEFENDANT LEMON FOR SUBJECTING PLAINTIFF TO "RESTRICTIVE AND DENIGRATING" CONDITIONS OF CONFINEMENT AND THAT ARE PUNITIVE IN NATURE. THE DEFENDANTS VIOLATED PLAINTIFF'S SUBSTANTIVE DUE PROCESS RIGHTS UNDER THE FOURTEENTH AMENDMENT BY DENYING PLAINTIFF NON-PUNITIVE CONSTITUTIONAL CONDITIONS OF CONFINEMENT.

PLAINTIFF FURTHER PRAYS THAT THIS HONORABLE COURT
GRANT ANY OTHER RELIEF THAT IT DEEMS NECESSARY.

So prayed on this the 24th Day of September 2012.

Respectfully Submitted:


CLARENCE D. BROWN, PROSE

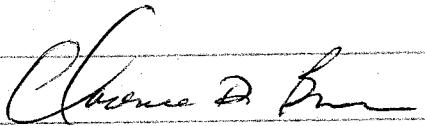
TARRANT COUNTY JAIL

100 N. CANTRELL ST.

FT. WORTH, TEXAS 76102

DECLARATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY
THE MATTERS ALLEGED THEREIN ARE TRUE TO THE BEST OF MY KNOWLEDGE
AND BELIEF. AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF,
I BELIEVE THEM TO BE TRUE. I DECLARE UNDER PENALTY OF
PERJURY THAT THE FOREGOING IS TRUE AND CORRECT, EXECUTED AT
FT. WORTH, TARRANT COUNTY, TEXAS ON THIS THE 24
OF September, 2012.


CLARENCE D. BROWN, PROSE

September 24, 2012

UNITED STATES DISTRICT COURT

KAREN S. MITCHELL, CLERK

501 W. TENTH ST. RM. 310

FT. WORTH, TX. 76102

RE: PLAINTIFF'S COMPLAINT

42 U.S.C. § 1983

Dear Clerk,

PLEASE FIND ENCLOSED AN ORIGINAL AND ONE COPY OF PLAINTIFF'S PLEADING TO BE FILED WITH THE COURT. ALSO FIND ENCLOSED A DOCUMENT ILLUSTRATING THE DATE PLAINTIFF WAS RELEASED TO BOND FROM THE TARRANT COUNTY JAIL.

PLAINTIFF OFFERS THAT HE IS A CRIMINALLY DETAINED OR CONFINED SEXUALLY VIOLENT PREDATOR (SVP) THAT IS CURRENTLY RESIDING AT A MINIMUM SECURE CORRECTIONAL FACILITY FOR (1) TREATMENT AND (2) NO SPACE IS CURRENTLY AVAILABLE AT A SECURE RESIDENTIAL FACILITY/HALFWAY HOUSE IN TEXAS.

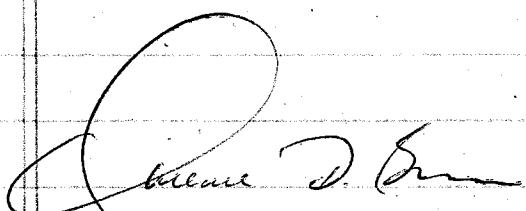
PLAINTIFF ON SEPTEMBER 13, 2012 MADE BOND FROM THE TARRANT COUNTY JAIL BUT DUE TO THE OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT'S POLICY, PRACTICE AND PROCEDURE, PLAINTIFF WAS NOT RELEASED TO BOND BUT WAS COMMITTED TO THE COLD SPRINGS MINIMUM SECURE CORRECTIONAL FACILITY WITH A GLOBAL POSITIONING SATELLITE ATTACHED TO HIS ANKLE.

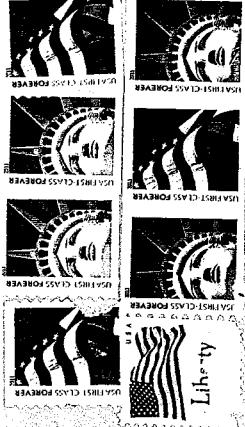
PLAINTIFF OFFERS THAT HE IS NOT BEING DETAINED OR CONFINED AS A PRISONER BUT IS SOLELY AT THIS FACILITY FOR THE PURPOSE OF TEXAS' "OUTPATIENT" SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM" (OSVPTP), AND THAT THE PRISON LITIGATION REFORM ACT (PLRA) DOES NOT APPLY TO THOSE CRIMINALLY DETAINED OR CONFINED. SEE JACKSON v. JOHNSON, 475 F.3d 261 (5TH CIR. 2007).

I would appreciate it very much if a stamped and dated copy can be returned back to me. I am without funds and I am not permitted to work, nor receive more than \$20.00 at any one time. Furthermore, at this time per case manager I am prohibited all contact from family and friends without prior approval from case manager.

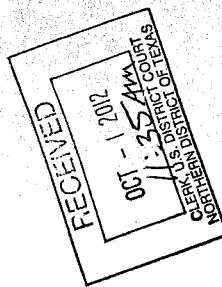
UNSWORN STATEMENT

I hereby declare under the penalty of perjury that the above is true and correct. Executed on this the 24th day of September, 2012. 28 U.S.C. § 1746


Clarence D. Brown



Liberty



Lawrence D. Brown 0806389
and Friends (Plaintiff Party 082)
100 N. Lamar
Ft. Worth, Texas 76102

UNITED STATES DISTRICT COURT
KAREN S. RYAN, CLERK
501 N. TENTH ST. P.O. 310
FT. WORTH, TEXAS 76102

418877093640
|||||

Legal Mail